



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION**

January 4, 2008

Mr. Doug Liberman
Larson Engineering
2717 Pulaski Highway
Newark, DE 19702

RE: PLUS review –2007-11-08; Saulsbury Road Exxon

Dear Mr. Liberman:

Thank you for meeting with State agency planners on December 5, 2007 to discuss the proposed plans for the Saulsbury Exxon Site rezoning project located on the southeast corner of Route 8 and Saulsbury Road.

According to the information received, you are seeking a rezoning from C-3/C-PO to C-2A/C-PO for the purpose of a pharmacy and bank.

Please note that this letter is related to the rezoning of this property. While some reviewers may give comments regarding future site plans, this letter does not represent formal comments regarding any future development on this site. If future development of this site occurs and meets the PLUS criteria, you would be required to go through the PLUS process again so that the State agencies can comment on the development. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- The site is located in Investment Level 1, and the State has no objections to the development.
- The proposed rezoning is inconsistent with Dover's certified comprehensive plan.
- A comprehensive plan amendment will be required before the City can approve this rezoning request.
- If the City is inclined to approve this project, it is recommended that this change in future land use be incorporated into the ongoing comprehensive plan update process, which as we understand it is due to be completed by September 2008. The rezoning can then be considered after the plan is adopted and certified.

Street Design and Transportation

- The developer should plan to provide interconnections and easements between the various businesses proposed. DelDOT expects to approve no more than one access point on each road.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. This site is also located in the City of Dover. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.

The rezoning application, as proposed, is inconsistent with the City's certified comprehensive plan. The portion of the site that the applicant seeks to rezone from CPO to C2A is designated for "Office and Office Parks" in the plan. A comprehensive plan amendment is required prior to the approval of this rezoning request. If the City is inclined to approve this request, then it is recommended that the revisions to the land use plan be incorporated in the ongoing comprehensive plan update that is scheduled to be completed by September of 2008. The rezoning can then be considered after the plan has been adopted and certified.

Our office has no objections to the proposed development of this project in accordance with the relevant City codes and ordinances, provided that it is consistent with Dover's certified comprehensive plan.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

In reference to this parcel/property (project area), the State Historic Preservation Office of Division of Historical & Cultural Affairs would like to mention and recommend the following:

1. There is parcel is in a vicinity and environment where no historic or known Archaeological Site or National Register Property/Site on or within this parcel/property (project area).
2. The re-zoning will have no effect on this parcel/property (project area).
3. Finally, the State Historic Preservation Office-Division of Historic & Cultural Affairs recommends that prior to any demolition or ground-disturbing activities, or before any construction proceeds the developer may want to hire an archaeological consultant to check or examine this parcel/property (project area) for the possibility of any archaeological resources here such as a cemetery, burial ground, or unmarked human remains. If you (the developer) would like to discuss this information or recommendation in further detail, contact Mr. Terence Burns at State Historic Preservation Office of Division of Historic & Cultural Affairs at (302) 736-7400 ext.25.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT has no comments on the proposed rezoning. Regarding future development, DelDOT had the following comments:

- 1) The proposed development does not meet DelDOT's current warrants for a traffic impact study (TIS). However, under new standards that will become effective on December 21, 2007, a TIS would likely be warranted for this site. DelDOT will revisit the need for a study as part of the site plan approval process.
- 2) The developer should plan to provide interconnections and easements between the various businesses proposed. DelDOT expects to approve no more than one access point on each road.
- 3) The Dover/Kent County Metropolitan Planning Organization (MPO) has been developing a concept plan for Delaware Route 8, from the Norfolk Southern railroad tracks to Artis Drive (Kent Road 197). The developer's site engineer should contact the MPO's executive director, Ms. Juanita Wieczoreck, at (302) 760-2713 for more information on the plan and should design the Route 8 access and frontage in a manner consistent with that plan.
- 4) If the rezoning is approved, the developer's site engineer should contact our Subdivision Manager, Mr. Natee Prasomsan, regarding our specific requirements for access and off-site improvements. Mr. Prasomsan may be reached at (302) 760-2571.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Water Supply

The project information sheets state water will be provided to the project by the City of Dover via a central water system. DNREC records indicate that the project is located within the public water service area granted to the City of Dover under Certificate of Public Convenience and Necessity 90-CPCN-07.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there are two Underground Storage Tanks located northwest of this site (the former J&R Car Service and Shore Stop #156) and two Hazardous Waste Generators (Atlantic Coast Environmental located west of this site and Ace Cleaners located northeast of this site) located within 1000 feet of the proposed project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/ Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals.

Underground Storage Tanks

There are three inactive LUST site(s) located near the proposed project:

William Henry Middle School, Facility # 1-000066, Project # K8905237
Former J & R Car Service, Facility # 1-000147, Project # K9301018
Reed's Getty, Facility # 1-000114, Project # K8806025

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated

contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning request. The project is located within the City of Dover, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 1 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. Please feel free to contact the Delaware Forest Service at (302) 698-4500 for more information.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

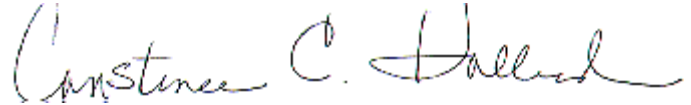
Department of Education – Contact: John Marinucci 735-4055

This proposed development is in the Capital School District. This is a rezoning review for commercial uses. This rezoning request is commercial in nature and as such DOE has no comments.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: City of Dover